ADDENDUM TO THE REPORT

from: Presidency

to: Council (Internal Market)

Subject: Amended proposal for a Council Directive harmonizing the term of protection of copyright and certain related rights

- Article 2a (Protection of previously unpublished works)

Point 6 of the Presidency report (7234/93 PI 54 CULTURE 65) mentions the possibility of an alternative solution to Article 2a as it appears in 7233/93 PI 53 CULTURE 64, based on mutual recognition.

After consultation with the Commission, if such an alternative solution were to be envisaged, it could be drafted as follows:
Article 2a
Protection of previously unpublished works

1. Member States may introduce a right for the protection of works of which the copyright has expired and which are lawfully made available to the public for the first time. Protection shall be for 75 years from the time when the work was first lawfully made available to the public and shall be equivalent to that of the economic rights of the author.

2. Such protection shall apply throughout the Community to works which meet the criteria set out in paragraph 1 and of which the country of origin within the meaning of the Berne Convention is one of the Member States which have introduced such a right.

3. Those Member States which do not avail themselves of the provisions of paragraph 1 shall take all appropriate measures to guarantee that protection arising in accordance with paragraph 2 is effective within their territory.